



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Jose Guterman

Serial No.: 09/899,682

Filed: July 5, 2001

For: Downloading Software Over the
Air for Implementation of Air
Interface Protocols

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Art Unit: 2155

Examiner: Asad M. Nawaz

Docket: ITL.0594US
P11735

Assignee: Intel Corporation

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF REQUEST FOR REVIEW


Sir:

The present application presents the relative straightforward issue of whether exchanging data is commensurate with a claim which requires transferring software. The Examiner contends that interface software is broad enough to cover mere data. The dichotomy between data, which may be operated on by software, and software, which is executable, is so clear as to preclude any reasonable assertion of the definitions espoused in the office action.

Therefore, it is requested that the rejection be overturned.

Respectfully submitted,

Date: August 25, 2005



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Date of Deposit: August 25, 2005

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Cynthia L. Hayden